

Tahoe Basin Area Plan Amendments (PLN20-00249)

Comments Received
After Packet Distribution

Planning Commission
November 12, 2020

Sue Colbert

From: Ellie <tahoellie@yahoo.com>
Sent: Thursday, November 5, 2020 2:25 PM
To: Sue Colbert
Cc: Cindy Gustafson; Clayton Cook; Bill Yeates; John Marshall TRPA Legal
Subject: [EXTERNAL] Housing Element Planning Commission Hearing 11-12-2020

Below are samplings of information from Placer Code and TRPA Code.

I am requesting that the November 12, 2020 Planning Commission hearing be postponed until the North Tahoe Regional Advisory Council has had the opportunity to review and conduct a public meeting.

17.60.140 Public hearings. 6. Notice to **Municipal Advisory Councils**. Any application that requires a public hearing before the planning commission shall first be submitted to any local municipal advisory council (MAC) whose boundaries encompass the proposed project area. The planning department shall transmit a copy of the project application to the appropriate MAC, and shall request the MAC's general review and comment prior to any scheduled hearing before the planning commission. Failure of the MAC to comment prior to the planning commission hearing shall not be cause for the planning commission hearing to be postponed.

The zoning code above is quite clear that review by the North Tahoe Regional Advisory Council must occur before the upcoming proposed Planning Commission on 11-12-2020.

Excerpts from the Staff report showing that this request is being fast-tracked. What is the hurry as Placer isn't required to completed until May 2021

<https://www.placer.ca.gov/DocumentCenter/View/48288/SR-F-PC-20-00249-TBAP-Amendments-111220-ALL-PDF>

The Planning Services Division requests that the Planning Commission consider a recommendation to the Board of Supervisors to amend Parts 1, 3 and 4 of the Placer County Tahoe Basin Area Plan (TBAP), and Chapters 1, 2, and 3 of the TBAP Implementing Regulations to bring the TBAP into conformance with California housing law for accessory dwelling units (ADUs) and provide opportunities for a greater variety of multi-residential housing types. The proposed amendments will update the TBAP to be consistent with the Tahoe Regional Planning Agency (TRPA) Bonus Unit incentive program for moderate- and achievable-income housing, and will add special planning designations and policies to specific zone districts to allow for banking, conversion, and transfer of development rights consistent with the TRPA adopted 2018 Development Rights Strategic Initiative.

When are TRPA Public Hearings (Advisory Planning Commission and Governing Board and possibly Regional Plan Implementation Committee) scheduled for approval of Placer County TBAP proposed changes?

CEQA COMPLIANCE The proposed Area Plan amendments are exempt from the California Environmental Quality Act pursuant to Public Resources Code (PRC) Sections 21080.17 and 21080.50 and CEQA Guidelines Sections 15061(b), 15282(h), 15301, 15303 and 15305. CEQA Guidelines Section 15061(b)(3) (common sense exemption) applies because the changes to the Plan **do not add additional units** to the Area Plan beyond those that were anticipated under the certified Tahoe Basin Area Plan joint EIR/EIS. **Any changes modify policies to achieve housing that were already considered under the Area Plan and therefore the policy changes would not have the potential to cause a significant effect on the environment.** Additionally, under PRC Section 21080.17 and CEQA Guidelines Section 15282 subsection (h), CEQA does not apply to the adoption of an ordinance by a city or county to implement the provisions of Section 65852.2 of the Government Code (the state accessory dwelling unit law). The proposed ordinance, if adopted, HEARING DATE: November 12, 2020 ITEM NO.: 4 TIME: 11:40 A.M. Page 2 of 7 implements Government Code Section 65852.2 and 65852.22 within unincorporated Placer County in a manner that is consistent with the requirements of state law.

The requested changes will have site specific impacts, (i.e. traffic, noise, etc.) it's not just about the number of units that are purported not be changed.

13.6.6. Conformity Review for Amendments to Area Plans

Following approval of an Area Plan, any subsequent amendment to a plan or ordinance contained within the approved Area Plan shall be reviewed by the Advisory Planning Commission and Governing Board for conformity with the requirements of the Regional Plan. Public comment before the Governing Board shall be limited to consideration of issues raised before the Advisory Planning Commission and issues raised by the Governing Board. The Governing Board shall make the same findings as required for the conformity finding of the initial Area Plan, as provided in subsection 13.6.5; however, the scope of the APC and Governing Board's review shall be limited to determining the conformity of the specific amendment only. If the Governing Board finds that the amendment to the Area Plan does not conform to the Regional Plan, including after any changes made in response to TRPA comments, the amendment shall not become part of the approved Area Plan.

I am requesting TRPA weigh-in on Area Plan amendment process. The staff reports the process will include TRPA review in early 2021. The public must be assured that all proposed changes do not violate TRPA Code of Ordinances.

13.6.2. Initial Approval of Area Plan by Lead Agency A. When TRPA is Not the Lead Agency If the lead agency is not TRPA, then the Area Plan shall be approved by the lead agency prior to TRPA's review of the Area Plan for conformance with the Regional Plan under this section. In reviewing and approving an Area Plan, the lead agency shall follow its own review procedures for plan amendments. At a minimum, Area Plans shall be prepared in coordination with local residents, stakeholders, public agencies

with jurisdictional authority within the proposed Area Plan boundaries, and TRPA staff. Is it required that the County have to demonstrate

13.6.5. Findings of Conformance with the Regional Plan

In making the general finding of conformance, the TRPA Governing Board shall make the general findings applicable to all amendments to the Regional Plan and Code set forth in Sections 4.5 and 4.6, and also the following specific review standards:

A. General Review Standards for All Area Plans

The submitted Area Plan shall:

1. Identify all zoning designations, allowed land uses, and development standards throughout the plan area;
2. Be consistent with all applicable Regional Plan Policies, including but not limited to the regional growth management system, development allocations and coverage requirements;
3. Demonstrate how the Area Plan is consistent with the Conceptual Regional Land Use Map, including any amendments to the Conceptual Regional Land Use Map that are proposed to be part of the Area Plan in order to more effectively implement the Regional Plan Policies and provide Threshold gain;
4. Recognize and support planned, new, or enhanced Environmental Improvement Projects. Area Plans may also recommend enhancements to planned, new, or enhanced Environmental Improvement Projects as part of an integrated plan to comply with Regional Plan Policies and provide Threshold gain;
5. Promote environmentally beneficial redevelopment and revitalization within Centers;
6. Preserve the character of established residential areas outside of Centers, while seeking opportunities for environmental improvements within residential areas;

CHAPTER 13: AREA PLANS

13.6 Conformity Review Procedures for Area Plans

13.6.5 Findings of Conformance with the Regional Plan

7. Protect and direct development away from Stream Environment Zones and other sensitive areas, while seeking opportunities for environmental improvements within sensitive areas. Development may be allowed in Disturbed Stream Environment zones within Centers only if allowed development reduces coverage and enhances natural systems within the Stream Environment Zone; and
8. Identify facilities and implementation measures to enhance pedestrian, bicycling and transit opportunities along with other opportunities to reduce automobile dependency.

13.8. MONITORING, CERTIFICATION, AND ENFORCEMENT OF AREA PLAN

13.8.1. Notification to TRPA of Proposed Activities Requiring Public Notification in Area Plans

Lead agencies with approved Area Plans shall send to TRPA notice of all proposed activities that require public notification as specified in the MOU, and all applications to amend a policy or ordinance that is part of the Area Plan. The notice shall be sent pursuant to local notification procedures; however, in all cases the notice shall be sent no less than 10 days prior to the hearing in order to provide TRPA with adequate time to review and comment, if desired, on the project.

13.8.2. Monitoring

On at least a quarterly basis, lead agencies with approved Area Plans shall send to TRPA copies of all building permits issued in the Area Plan. At minimum, such building permits shall contain and make clear the necessary development information that TRPA needs to measure compliance with the terms of the Area Plan, such as additional land coverage, commercial floor area, residential units, or tourist accommodation units (TAUs). In addition, TMDL regulatory agencies shall, through the TMDL adaptive management system, provide TRPA annual progress reports and analysis, copies of all MOAs and NPDES permits, and notifications of all breaches or violations of MOAs and NPDES permits.

Number 6 above will jeopardize community character in residential areas outside town centers.

Is it required that the County have to demonstrate that the Conceptual Land Use maps are still consistent with the housing changes or do new maps need to be generated and approved?

Was TRPA notified of proposed changes to the Placer County Tahoe Basin Area Plan as stated in TRPA 13.8.1 above?

Has Placer County followed all specified requirements of 13.8.2?

Multi-Residential Land Uses Multi-Residential Land Uses – Multi-Family, Multi-Person, and Employee Housing The proposed amendments would expand opportunities for additional multi-residential land uses in all Residential, Mixed-use, and Community Service zone districts where one or more multi-residential housing types is currently permissible. Multi-residential land uses in the TBAP include multi-family, multi-person, and employee housing. Multi-family housing types include examples such as a duplex, triplex, or an apartment building dwelling typically shared by relatives. TRPA defines multi-person dwellings as buildings primarily for permanent occupancy by unrelated individuals and provides examples of multi-person dwellings such as dormitories and boarding houses. Employee housing can occur on-site or off-site of the business where the resident works. Despite their definitions, multiple-family dwelling, multi-person

dwelling, and employee housing land uses are similar in their level of impacts and intensity, and planning and neighborhood considerations

This applies directly to # 6 stated above in TRPA code 13.6.5 A

In the existing single family neighborhoods, development standards remain largely unchanged and environmental restoration is emphasized. To provide housing for the area's workers, additional opportunities for secondary accessory dwelling units are provided where the secondary accessory units are deed restricted to not allow tourist uses or vacation rentals and where the secondary accessory unit's deed restricted for affordability.

What is the suppose of removing the word deed with restricted to not allow tourist uses?

Modify Special Planning Designations and Policies The proposed TBAP amendments would add Special Planning Designations and Policies to the Residential, Mixed-Use, and Community Service Area zone districts to allow development rights to be transferred (if needed) to sites where multi-residential land uses are allowed. Under TRPA's growth management system additional development rights (e.g., residential allocations, potential residential units of use, etc.) are often needed to be transferred into the project site to achieve the number of residential units needed to support a project. **This change will designate these zone districts as "receiving areas"** to help facilitate the TRPA Transfer of Development Rights process for desired multi-residential projects.

Receiving Areas should require additional environmental review and conceptual land use map changes.

Amendments to Area Plan Part 4: Land Use Plan Chapter

~~Amendments in the~~ The 2012 Regional Plan, amendments to the Regional Plan, and this Area Plan are targeted to specific issues and do not alter the comprehensive foundations of the regional growth management framework, which includes the following components:

Secondary Residences **Accessory Dwelling Units (ADU) and Junior Accessory Dwelling Units (JADU)**

This program is intended to serve as a TRPA-certified local government housing program and would allow for ~~secondary residences~~ **ADUs and JADUs** on parcels less than an acre in size subject to the requirements outlined in TRPA Code Section 21.3.2. (see Figure 4-8 for new parcels gaining a right to develop ~~secondary residences~~**ADUs**). ~~To qualify for the program, properties must be deed restricted to prohibit tourist uses, vacation rentals or be converted to TAUs, and must also be deed restricted for affordability. Consistent with the TRPA four-year Area Plan recertification process, the program shall be evaluated for efficacy and necessary adjustments.~~ **The Area Plan Implementing Regulations describe this program in more detail.**

Consistent with State Law, Placer County's Housing Element promotes residences to provide housing at affordable and moderate cost levels. TRPA Code currently prohibits secondary residences ~~ADUs~~ on parcels less than one acre in size **unless a jurisdiction has a TRPA-certified local government housing program.** The amendment **local government housing program** promotes quality housing and improved environmental conditions by **encouraging more diverse housing types**, reducing the need for the Region's employees to commute daily from housing outside the Region.

This program is consistent with Regional Plan Policy HS-3.1, which directs TRPA to work with local jurisdictions to remove identified barriers preventing the construction of necessary affordable housing in the region, including workforce and moderate-income housing, ~~secondary~~**accessory** residential units and long-term residency in motel units.

When this request comes before the TRPA Governing Board for final approval, how will findings be addressed?

Examples:

Addition of :

Multi-Person Dwelling: 25 persons per acre Fairway Tract NorthEast

Multiple Family Dwelling: 15 units per acre Multi-Person Dwelling: 37 persons per acre Fairway Tract South Sub-district

GRANLIBAKKEN SUBDISTRICT Multi-Person Dwelling: 37 persons per acre

Multi-Person Dwellings: 37 persons per acre Employee Housing: 15 units per acre Kings beach residential Sub-district

Tahoma Residential Subdistrict. The Tahoma Residential Subdistrict is located within the West Shore Subarea. This area should continue to be residential, maintaining the existing character of the neighborhood. 1. Special Designations. (See Section 3.14)a. TDR Receiving Area for Existing Development; Multi-Residential Units Provide opportunities for development of a variety of multi-residential housing types with an emphasis on affordable, moderate, and achievable housing.

TAHOMA RESIDENTIAL SUBDISTRICT Multi-Person Dwelling: 1525 persons per acre
Employee Housing: 8 units per acre

TAHOE VISTA SUBDIVISION SUBDISTRICT
Multi-Person Dwelling: from 25 to 37people per acre